BORA LASKIN LAW LIBRARY
3 1761 10084282 2

MATERIALS ON CONFLICTS

Volume 1

Professor John Swan

1982 - 1983

I am grateful for the help that I have received from Alice Ng, Marilyn Leitman, Christine McGoey and Sue Weedon in putting these materials together.

These materials are for use by students in the Faculty of Law, University of Toronto, and by students in other universities to which these materials have been distributed. The materials are not otherwise for publication or commercial sale. All rights reserved.

KF
D16
.S9
1982
v.1

LAW LIBRARY

NOV 18 1982

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

MATERIALS ON CONFLICTS

Volume 1

Professor John Swan

1982 - 1983

I am grateful for the help that I have received from Alice Ng, Marilyn Leitman, Christine McGoey and Sue Weedon in putting these materials together.

These materials are for use by students in the Faculty of Law, University of Toronto, and by students in other universities to which these materials have been distributed. The materials are not otherwise for publication or commercial sale. All rights reserved.

TABLE OF CONTENTS

Introduction 1

1. Contracts 6

A. Introduction 6

Statement of Claim 6a

Statement of Defence 7

Reply and Joinder of Issue 8

B. The Classical Theory 9

The Gaming Act 9

Etler v. Kertesz 11

The Assunzione 21

Vita Food Products v. Unus Shipping Co. 26

Ross v. McMullen 33

Block Bros. Realty Ltd. v. Mollard 37

Bondholders v. Manville 44

Charron v. Montreal Trust 47

Imperial Life Assurance Co. v. Colmenares 50

Vishipco Line v. Chase Manhatten Bank 56

D'Almeida Araujo v. Becker & Co. Ltd. 62

Dicey and Morris, 10th Ed., 1980 68

2. Setting the Stage: What Would a New Approach Look Like? 70

Restatement. Second. Conflict of Laws 76

Lilienthal v. Kaufman 79

Harold Meyers Travel Service Ltd. v. Magid 94

Note 99

3. The Proper Forum 100

Moreno et al. v. Norwich Union Fire Ins. Society Ltd... 106

Gulf Canada Limited v. Turbo Resources Limited 112

Moran v. Pyle National (Canada) Ltd. 116

Charlottetown Metal Products Ltd. v. Miles Refrigeration 125

World-Wide Volkswagen Corp. v. Woodson 127

4. Recognition and Enforcement of Foreign Judgments, Is This What "Full Faith and Credit" Means? 137

Henry v. Geoprosco International Ltd. 141

Re McCain Foods Ltd. 153

Note 157

The Reciprocal Enforcement of Judgments Bill 158

Foreign Proceedings and Judgments Act 165

Ling v. Yip 170

Note 173

5. Agency 174

Maspons v. Mildred 176

Goldfarb, "Agency and the Conflict of Laws: a critical reassessment" 181

Chatenay v. Brazilian Submarine Telegraph Co. Ltd. ... 182

Note 185

6. Torts 189

A. Introduction 189

J.G. Fleming. The Law of Torts 189

B. The Present Law 196

Phillips v. Eyre 196

Chaplin v. Boys 201

M'Elroy v. M'Allister 216

LaVan v. Danyluk 223

O'Connor v. Wray 228

The Mary Moxham 233

C. Where to Now? 238

Note 238

The Insurance Act 244

Going v. Reid Brothers Motor Sales Ltd. 246

Dicey & Morris, The Conflict of Laws 257

Cavers. A Critique of the Choice of Law Problem 263
Restatement II 276
Currie. Selected Essays on the Conflicts of Law 281

D. The American Cases 302

Babcock v. Jackson 302
Tooker v. Lopez 306
Neumeier v. Kuehner 319

E. Conclusion 326

Interprovincial Co-ops v. The Queen 331
Allstate Ins. Co. v. Hague 362